

AMENDMENTS TO LB 288

Introduced by Pirsch, 4.

1 1. Insert the following section:

2 Sec. 4. Section 43-512.15, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-512.15 (1) The county attorney or authorized attorney,
5 upon referral from the Department of Health and Human Services,
6 shall file a complaint to modify a child support order unless the
7 attorney determines in the exercise of independent professional
8 judgment that:

9 (a) The variation from the Supreme Court child support
10 guidelines pursuant to section 42-364.16 is based on material
11 misrepresentation of fact concerning any financial information
12 submitted to the attorney;

13 (b) The variation from the guidelines is due to a
14 voluntary reduction in net monthly income. For purposes of this
15 section, a person who has been incarcerated for a period of one
16 year or more in a county or city jail or a federal or state
17 correctional facility shall be considered to have an involuntary
18 reduction of income unless (i) the incarceration is a result of
19 a conviction for criminal nonsupport pursuant to section 28-706
20 or a conviction for a violation of any federal law or law of
21 another state substantially similar to section 28-706, ~~or~~ (ii)
22 the incarcerated individual has a documented record of willfully
23 failing or neglecting to provide proper support which he or

1 she knew or reasonably should have known he or she was legally
2 obligated to provide when he or she had sufficient resources to
3 provide such support, or (iii) the incarceration is a result of a
4 conviction for a crime in which the child who is the subject of the
5 child support order was victimized; or

6 (c) When the amount of the order is considered with all
7 the other undisputed facts in the case, no variation from the
8 criteria set forth in subdivisions (1) and (2) of section 43-512.12
9 exists.

10 (2) The department, a county attorney, or an authorized
11 attorney shall not in any case be responsible for reviewing or
12 filing an application to modify child support for individuals
13 incarcerated as described in subdivision (1)(b) of this section.

14 (3) The proceedings to modify a child support order shall
15 comply with section 42-364, and the county attorney or authorized
16 attorney shall represent the state in the proceedings.

17 (4) After a complaint to modify a child support order is
18 filed, any party may choose to be represented personally by private
19 counsel. Any party who retains private counsel shall so notify the
20 county attorney or authorized attorney in writing.

21 2. Renumber the remaining sections, correct internal
22 references, and correct the repealer so that the section added
23 by this amendment becomes operative three calendar months after
24 adjournment of this legislative session.